

## **DRACUT ZONING BOARD OF APPEALS**

**Meeting Minutes of June 16, 2016 at 7:00 p.m. @ Dracut Town Hall Selectmen's Meeting Room, 62 Arlington Street, Dracut.**

**2016-8 @ 1489 & 1499 Broadway Road** – Variance relative to Zoning by law 2.12.50; front yard setback to accommodate canopy and pumps (fuel). Waiver of buffering requirements between land uses in business zone, Zoning by law Sections 3.14.30 and 3.14.40. Petitioner: Spartan Homes, LLC c/o George C. Malonis, Esquire.

Chairman Crowley opened the meeting and signed in a set of prints drawn by Robert Michael Gill, Professional Land Surveyor dated April 28, 2016.

Attorney Malonis passed out the following literature:

- Division of Fisheries & Wildlife letter dated June 15, 2016
- Pictures of existing gas stations
- NHESP Habitat Exhibit Plan revised date May 12, 2016
- Rendering Plan dated June 16, 2016

Attorney Malonis gave an overview of the property. They are proposing a gas station with small convenience store with drive through and a small restaurant. The first variance request is for the gas station pumps and canopy setback. The required setback is 50 feet and they are proposing 31 feet. They are seeking a variance of an unoccupied structure.

The second variance is for the buffer between two (2) business uses which requires 15 feet. The plan design was for some type of buffer to maximize the flow of traffic. The Brox property on the side is separated by a 15 feet agricultural easement.

Mr. Hamor, Landplex Engineering reviewed the 5,000 sq. ft. riparian zone shown as the checkered area on the NHESP Habitat Exhibit Plan. They went to the Dracut Conservation Commission and Mass. DEP. He reviewed the habitat at the rear of the property for the wood turtle required by the Division of Fisheries & Wildlife. Plans sent to National Heritage are allowed with drainage system.

Mr. Hamor explained that the pumps and canopy are closer to the road to keep separated from the store. Incorporated green component throughout the site as much as they could. Will be landscaped with shrubs, bushes and trees.

The entrance is across from Commercial Drive with one exit at the left of the property. The lot lines shown on the plan are not proposed as they went to the Planning Board for an ANR and was approved. The ANR plan approved by the Planning Board May 23, 2016 was passed out.

Chairman Crowley passed out and read the Proposed Use Zoning Compliance Determination by Mr. McLaughlin, Inspector of Buildings dated March 15, 2016.

Attorney Malonis noted that all items have been addressed.

Chairman Crowley noted that the signs on the drawing appear to be less than the 10 feet setback requirement. Attorney Malonis assured that the signs will meet the setback requirement.

Chairman Crowley asked why they had to do both businesses as the buffering became an issue when the property was subdivided. Attorney Malonis believes it will be positive for the area and there will be significant buffering on the property. There was further discussion about the buffering. Chairman Crowley noted that the buffering requirement is actually 30 feet (15 feet on either side of the lot line) between the two business uses. The 15 foot easement on the right of the property is natural buffering and will not comply with the buffering requirement as there will be no trees or flowers. It was also noted that the variance for buffering is not shown on the plan. Attorney Malonis agreed. Mr. Hamor explained that National Heritage has put in restrictions such as no mowing from April to October and can only use a certain seed mix which is very specific. Mr. Hamilton verified that the needed variance for buffering is that it cannot be done because of National Heritage.

There was a discussion about alternative designs focused in the restaurant area and adjacent parking. Mr. Hamor explained the design was done this way so both businesses would be utilizing common driveway instead of having multiple entrances and exits. They had looked at a full retail plaza with a restaurant at the end, but uses were not compatible.

Mr. Mallory questioned if a barrier to protect the turtle from being hit by cars where the left side and rear areas about the drive through was required. National Heritage did not require that.

Mr. Lussier questioned the parking requirements. It was noted this will not be a fast food restaurant.

The Board feels they need a detailed plan that shows the buffering requirements and what is being proposed.

Attorney Malonis notes that from a design standpoint, the front setback makes sense, is more practical and safer. The gas station cannot move back due to the drive through.

Mr. Hamor stated they cannot encroach any further back into the repairing area percentage for National Heritage. Chairman Crowley agreed that a good case was made for the pumps and canopy setback.

Chairman Crowley would like to see a landscape plan as he is confused about where the buffering variance will be needed. Mr. Lussier agreed. Attorney Malone asked if a revised buffering plan is what the Board is looking for. Chairman Crowley would like to see a plan showing what is required and what is proposed.

It was agreed that they would come back with a more detailed buffering plan at the next meeting. Mr. Hamor will be filing and ENF of traffic and will get curb cut plan from Mass. DEP.

**Abutters: Who came forward in favor or in opposition?** None.

A motion to continue to the July 21, 2016 meeting was made by Mr. Hamilton and seconded by Mr. Lussier. The Board voted unanimously to continue.

**Acceptance of Minutes:**

A motion to accept the May 18, 2016 minutes was made by Mr. Stephen Hamilton and seconded by Mr. Scott Mallory. The Board voted unanimously to accept the minutes.

**New Business:**

None.

**Next Meeting:**

Thursday, July 21, 2016.

**Adjournment:**

A motion to adjourn was made by Mr. Stephen Hamilton and seconded by Mr. Brian Lussier. The Board voted unanimously to adjourn.

**Board of Appeals Members**

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Chairman, John Crowley

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Vice Chairman, R. Scott Mallory

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Clerk, Stephen Hamilton

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Member, Heather Santiago-  
Hutchings

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Member, Brian Lussier

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Alternate Member, Richard Ahern

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Absent  
Alternate Member, Scott McKiel